IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 9478 of 1995

Between:

1. The Superintending Engineer,

Department of Tribal Welfare
Circle Office, Visakhapatnam.

2. The Executive Engineer,

Department of Tribal Welfare,
Paderu Division, Paderu, Visakhapatnam.

3. The Dy. Executive Engineer,

Department of Tribal Welfare,
Chintapally - 531 111, Visakhapatnam District.

..... PETITIONERS

AND

1. The Presiding Officer,

Industrial Tribunal-Cum-Labour Court,
Visakhapatnam .

2. Y.E.V.V. Prasada Rao S/o. V.Subbarao,
R.H.S.Quarters, Chintapally,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order direction more particularly one in the nature of writ of Certiorari calling for the records pertaining to award dt. 9th August, 1994 in I.D.No. 43/94 on the file of the first respondent herein and quash the same is as illegal and without jurisdiction.

Counsel for the Petitioners: GP FOR SOCIAL WELFARE & LABOUR

Counsel for the RespondentNo.1: The Govt. Pleader for Labour
Counsel for the Respondent No.2: MR.K.ANANDA RAO

The Court made the following:

O R D E R:

In this writ petition, the Award dated 09-08-1994 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.D.No.43 of 1994 is challenged.

2. The Industrial Dispute was raised under Section 2A (2) of the Industrial Disputes Act, 1947, challenging the termination order passed by the management viz., The Tribal Welfare Department. The Tribunal, after considering the matter, held that the termination of service of the employee was illegal and contrary to law and therefore passed an Award directing to reinstate the petitioner with all back wages from the date of retrenchment till the date of reinstatement. The said Award came to be challenged before this Court.

3. Learned counsel for the petitioner, however, submitted that the Award is not sustainable in law, inasmuch as the Tribunal has not considered the matter in proper perspective.

4. I am afraid to accept this contention. Before the Tribunal, the management has not represented the matter at all eventhough sufficient opportunity was given. Moreover, the Award was passed on merits of the case. Under those circumstances, I do not find any ground to interfere with the order impugned.

5. Accordingly, the writ petition is dismissed. No costs.

_____

G.BIKSHAPATHY,J

Date: 20th January 2005.

Prv/Bsb.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintending Engineer,

Department of Tribal Welfare
Circle Office, Visakhapatnam.

2. The Executive Engineer,

Department of Tribal Welfare,
Paderu Division, Paderu, Visakhapatnam.

3. The Dy. Executive Engineer,

Department of Tribal Welfare,
Chintapally - 531 111, Visakhapatnam District.

4. The Presiding Officer,

Industrial Tribunal-Cum-Labour Court,
Visakhapatnam .

5. Two CCs to the Government Pleader for Labour, High Court

of Andhra Pradesh, Hyderabad (OUT).

6. Two CCs to the Government Pleader for Labour, High Court of A.P., Hyderabad (OUT).

7. Two CD copies